

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AIDAVEL LOZANO LAIGO,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

CASE NO. C05-1556JLR

ORDER IMPOSING STANDING  
LITIGATION RESTRICTIONS ON  
AIDAVEL LOZANO LAIGO

On November 14, 2005, the court entered an order to show cause why the court should not dismiss the action currently before it, and to show cause why the Western District of Washington should not impose standing restrictions on any new actions that Plaintiff Aidavel Laigo files. The court has received Ms. Laigo's response to that order. For the reasons stated below, the court dismisses the action before it, and announces the imposition of a standing order restricting any future litigation that Ms. Laigo files in this district.

The instant action provides another example of the litigation misconduct that leads this district to impose standing restrictions on Ms. Laigo. The court reviewed Ms. Laigo's litigation history in this district in its November 14 order. In this action, Ms. Laigo has repeated the conduct that the court described. Faced with an order to show cause why the court should not

1 dismiss her action as frivolous, she responds with a host of unsupported allegations regarding  
2 the court's legal errors. She does not, however, provide the essential elements of a civil action –  
3 allegations that would put a defendant on notice of its actionable conduct. Fed. R. Civ. P. 8(a).  
4 Although Ms. Laigo's response to the November 14 order asserts that Defendant has committed  
5 "82 counts of discrimination[]," it does not provide any allegations that would permit the  
6 Defendant (or the court) to discern what conduct was discriminatory.

7 Under ordinary circumstances, the court would await the Defendant's response to the  
8 complaint. These are not ordinary circumstances for two reasons. First, there is no indication  
9 that Ms. Laigo has properly served the Defendant. Fed. R. Civ. P. 4(i) imposes stringent  
10 requirements for serving the United States, its agencies, and their officers. Plaintiff has sued the  
11 United States Social Security Administration, but she has not complied with Rule 4(i). Second,  
12 despite her failure to properly serve the Defendant, Ms. Laigo has filed three virtually identical  
13 one-page summary judgment motions. While notice of a defendant's actionable conduct is the  
14 crux of a complaint in a civil action, Fed. R. Civ. P. 56 puts much more stringent requirements  
15 on summary judgment motions. Rule 56 requires evidence that demonstrates that there is no  
16 genuine issue of material fact and that the movant is entitled to judgment as a matter of law. Ms.  
17 Laigo's summary judgment motions, which contain no evidence whatsoever, fall well short of  
18 this standard. For these reasons, the court has little choice but to dismiss this action as frivolous.

19 Ms. Laigo has repeated the course of conduct described above in 24 other actions in this  
20 district over the past six years. As described in the November 14 order, these actions place an  
21 unwarranted burden on the courts in this district. Asked to show cause why she should not face  
22 standing restrictions on any future actions, Ms. Laigo responded that she had done nothing  
23 wrong, and that it was the court that had erred in not granting her relief in previous actions.

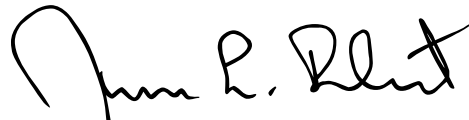
24 Attached to this order as an appendix is a standing order restricting any future action  
25 Plaintiff files in this district. The order does not prevent Plaintiff from filing future actions, but

1 it requires her to commence the action with a complaint that meets the notice pleading  
2 requirements of Fed. R. Civ. P. 8. If the complaint does not meet those requirements, the  
3 complaint will not be assigned a case number. The standing order strikes an appropriate balance  
4 between Ms. Laigo's right of access to the court and the burden that her repeated litigation  
5 misconduct imposes on the courts in this district. The standing order provides Ms. Laigo with  
6 an opportunity to file a proper complaint as well as an avenue to pursue an appeal.

7 For the reasons stated above, the court DISMISSES the action before it. The court will  
8 take no action on any other pleading that Ms. Laigo files in this action, other than a notice of  
9 appeal. The clerk is directed not to calendar or take any other action on any further pleadings  
10 other than a notice of appeal in this action.

11 The court also announces the entry of the standing restrictions on any future action that  
12 Ms. Laigo files in the Western District of Washington. Those restrictions are stated in Appendix  
13 A to this order, which shall become the first document entered on the docket of Case No. MS  
14 05-201JLR, which shall be captioned "In re Aidavel Lozano Laigo."

15 SO ORDERED this 8th day of December, 2005.

16  
17 

18 JAMES L. ROBART  
19 United States District Judge  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**APPENDIX A**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re AIDAVEL LOZANO LAIGO,

Case No. MS 05-201JLR

STANDING LITIGATION  
RESTRICTIONS ON AIDAVEL  
LOZANO LAIGO

For the reasons stated in two orders entered in Case No. 05-1556JLR (Dkt. ## 6, 9, attached hereto as Appendices A and B), the United States District Court for the Western District of Washington imposes the following standing restrictions on any action that Aidavel Lozano Laigo files in this district:

1. In any action that Ms. Laigo files, the clerk shall enter the complaint and accompanying materials on the docket of the above-captioned miscellaneous case. This court will review the complaint to determine if it meets the notice pleading requirements of Fed. R. Civ. P. 8(a).

2. If the court determines that the complaint meets the requirements of Fed. R. Civ. P. 8(a), it will direct the clerk to assign a civil case number and issue summons. If the complaint does not meet the requirements of Fed. R. Civ. P. 8(a), the court will enter an order declining to treat the case as a civil action.

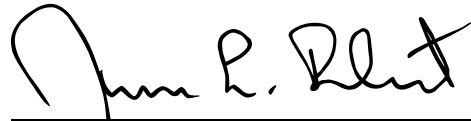
3. If Ms. Laigo files documents other than a complaint or notice of appeal (e.g., a motion for summary judgment) in a matter where no civil case number has been assigned, the

ORDER

1 clerk shall enter the document on the docket of the above-captioned miscellaneous case number,  
2 but shall not calendar the document or otherwise note it for consideration.

3 4. If Ms. Laigo files a notice of appeal in a matter where no civil case number has  
4 been assigned, the clerk shall treat the notice as an appeal of the above-captioned miscellaneous  
5 case.

6 SO ORDERED this 8th day of December, 2005.

7  
8 

9 JAMES L. ROBART  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 ORDER